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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,955	06/07/2001	Maria Azua Himmel	AUS9-2001-0157-US1	8309

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EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,955

Applicant(s)

HIMMEL ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

The arguments filed 19 March 2004 have been fully considered but they are not persuasive. A more accurate citation of Bates shows that the invention may most certainly function in a similar manner to the claimed invention's context-sensitive variable scroll steps.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-14, 18-26, 30-37, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates.

Regarding claims 1, 10, 11, 19, and 31, Bates teaches generating a window for displaying information and scrolling through the information responsive to receiving a scrolling command (the manipulation of scroll bars, col. 1, lines 49-57), scrolling a window by a fixed step size responsive to a user selection of a non-contextual scrolling mode and responsive to a certain scrolling command (taught as the linear scrolling method of col. 1, lines 58-62, and the restoration of a preferred scroll bar, col. 9, lines 49-53), scrolling the window by a variable step size responsive to a user selection of a context-sensitive scrolling mode and responsive to the same scrolling command, where the variable step size is responsive to the content of the information displayed (taught as the use of variable mappings between a scroll bar and parts of a document for emphasis, at col. 2, lines 20-27), the information including a succession of

objects and displaying a first portion of information at the top of the window and ending at the bottom of the window (col. 1, lines 27-31), and scrolling downward, where if in the current position of the window an object is a bottom-most object and has a bottom end shown, the variable step size adjusts responsive to the objects so as to be of such a size that the window steps down to a next position in which the window displays a next portion of the information beginning at the top of a next object after the current bottom-most object (taught as the ability of Bates to vary the rate of scroll between boundaries for objects using the drag routine of col. 9-10, lines 64-67 and 1-5, where if the next scrollable boundary is the bottom-most boundary on the display, the scroll bar and document position would be calculated so as to display the previously bottom-most boundary at the top of the redrawn display. See Bates, col. 10, lines 6-67).

Furthermore, the ability of Bates to selectively scroll using a drag operation allows for several situational scrolling possibilities, such as if in the current position an object is a top-most object in the window and has a bottom-most end shown, then the window steps down to a next position wherein the window displays a next portion of the information beginning at the top of a next object after the current top-most object and scrolling downward with a context-sensitive scrolling mode enabled, wherein if in the current position the top-most object is cut off at the bottom of the window and has a bottom-most sub-object, then the window steps down to a next position wherein the window displays a next portion of the information beginning at the top of the current bottom-most sub-object, and wherein the current top-most object has a certain sub-object that is a bottom-most sub-object shown in the current position of the window, scrolling downward with a context-sensitive scrolling mode enabled, wherein if in the current position the top-most object is cut off at the bottom of the window and its bottom-most sub-object has a bottom-most end shown, then the window steps down to a next position wherein the window

displays a next portion of the information beginning at the top of a next sub-object after the current bottom-most sub-object.

Regarding claims 3, 12, 23, and 35, Bates teaches receiving a command for context-sensitive scrolling from a pointing input device or a discrete step input device, taught as the use of a mouse or keyboard as input, at col. 4, lines 64-65.

Regarding claims 4, 5, 13, 14, 24-26, 36, and 37, Bates describes a method wherein the discrete step input device is a keyboard, a keypad or a microphone, and wherein the pointing input device is a mouse, a trackball, a light pen, a touch screen, a track point, or a touch pad, taught as the use of multiple peripherals well known in the art, at col. 2, lines 59-65.

Regarding claims 9, 18, 30, and 41, Bates teaches a method wherein the content to which the context-sensitive scrolling responds is a sentence, paragraph, section, division, chapter, page, hypertext link, row, column, cell, image, pause in sound, verse, stanza, refrain, interlude, movement, chorus, act, scene, commercial, quarter, half, highlight, play, time-out or bookmark, taught as the placement of boundaries to emphasize particular regions of choice, at col. 9, lines 41-49.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 15-17, 27-29, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Kuwabara.

In regards to claims 6, 15, 27, and 38, Bates describe a method for scrolling where a window is generated for displaying information and scrolling through the information. The method enables by user selection one of a non-contextual scrolling mode and a context-sensitive scrolling mode. Bates have been shown *supra* to disclose the use of such a method on an apparatus comprising a processor, display device, user input device, and storage device, and executed by way of a computer program.

Bates does not teach the use of a pause for display when a window is commanded to step down multiple times through the information, and the varying of pause duration responsive to larger scrolling movements or faster scrolling movements.

Kuwabara teaches the varying of scroll speed on a personal communication display such as the personal computer of Bates. Furthermore, Kuwabara teaches the use of a pause for display when a window is commanded to step down multiple times through the information (a pause per line, at col. 3, lines 56-60), and the varying of pause duration responsive to larger scrolling movements (col. 6, lines 28-37) or faster scrolling movements (col. 5, lines 44-51) when a commanded scrolling movement exceeds a single scrolling size (as in the scrolling of an entire message instead of one line of text, at col. 4, lines 55-63).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
5/24/2004



CAO (KEVIN) NGUYEN
PRIMARY EXAMINER